

Submission of Criminal Case Files from Investigators to Prosecutors in Criminal Law Enforcement in Indonesia

Budhi Purwanto¹, Sri Endah Wahyuningsih², Gunarto³, Jawade Hafidz⁴

¹Doctoral Program, Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia

^{2,3,4}Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia

ABSTRACT: This study examines the regulatory framework and implementation challenges in the submission of criminal case files from investigators to prosecutors within Indonesia's criminal justice system, analysing its alignment with Pancasila values of justice. The research employs a constructivist paradigm with a socio-legal approach. Data collection utilized semi-structured interviews with law enforcement officials and documentary analysis of legal materials. Primary data were obtained from interviews with investigators and prosecutors involved in criminal case processing, while secondary data were derived from legislation, regulations, case records, and scholarly literature. The research reveals significant systemic weaknesses in case file submission procedures, including protracted investigations with undefined time limits, submission of investigation commencement notices without accompanying investigative results, and ineffective coordination between investigators and prosecutors. These procedural deficiencies contradict the principles of speedy, simple, and low-cost justice while undermining Pancasila values through delays that compromise individual rights, potentially violate fair trial standards, create public dissatisfaction, and perpetuate social inequities in legal processing. The studies propose a comprehensive reconstruction of case file submission regulations through Criminal Procedure Code (KUHP) revisions, establishment of clear procedural timelines, strengthened prosecutorial authority, enhanced inter-agency coordination mechanisms, and improved training programs for law enforcement officials. This research uniquely analyses case file submission procedures through the normative lens of Pancasila values, offering empirically grounded recommendations for regulatory and institutional reform that balance procedural efficiency with substantive justice principles.

KEYWORDS: Criminal procedure, case file submission, prosecutorial authority, Pancasila justice, Indonesian criminal justice system

I. INTRODUCTION

The criminal justice system represents a society's structured response to criminal behaviour, with its effectiveness largely dependent on the harmonious functioning of its constituent parts—from investigation to prosecution, adjudication, and execution of court decisions. In Indonesia, this system operates within a framework established primarily by Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHP), which delineates the roles, responsibilities, and procedural requirements for each stage of criminal case processing [1].

A critical juncture within this system occurs during the transfer of investigative authority to prosecutorial review—specifically, the submission of criminal case files from investigators to prosecutors. This procedural transfer constitutes more than a mere administrative formality; it represents a fundamental shift in case responsibility that directly impacts subsequent judicial proceedings. The quality, completeness, and timeliness of this submission significantly influence prosecutorial decision-making and, ultimately, the administration of justice.

Article 110 paragraph (1) of KUHP establishes that "in the event that the Investigator has completed the investigation, the Investigator is obliged to immediately submit the case files to the Public Prosecutor." This provision, while seemingly straightforward, has generated considerable practical challenges. Despite the law's emphasis on immediate submission, the absence of explicit timelines and procedural specificity has resulted in significant delays and inefficiencies that undermine the principles of speedy, simple, and low-cost justice that underpin Indonesia's judicial philosophy [2].

A. Statement of the Problem

Despite KUHP's clear intent to facilitate efficient case processing, significant implementation gaps persist in the submission of criminal case files from investigators to prosecutors in Indonesia. These include:

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1. Protracted investigations and indeterminate timelines: The absence of explicit time limits for investigators to complete and submit case files frequently results in extended investigations that delay the judicial process. While Article 107 of KUHAP mandates timely investigation completion, the lack of enforcement mechanisms or consequences for non-compliance renders this provision largely ineffective.

2. Procedural irregularities in notification and submission: Investigators routinely submit Notices of Commencement of Investigation (SPDP) without accompanying investigative results, contravening the informational intent of Article 109 paragraph (1) of KUHAP. This practice significantly impedes prosecutorial assessment and preparation.

3. Ineffective inter-agency coordination: Communication deficiencies between investigators and prosecutors frequently result in incomplete case files requiring multiple revisions, further delaying case progression and contradicting the principles of procedural efficiency.

4. Structural and cultural impediments: Institutional factors, including inadequate human resource capacity, deficient training, and limited accountability mechanisms, exacerbate these procedural challenges.

These implementation gaps not only violate the procedural rights of suspects to timely adjudication but also undermine public confidence in the criminal justice system and contradict the Pancasila values of justice that emphasize human dignity, fairness, and social equity.

B. Research Questions

This study addresses three central research questions:

1. How do current regulations governing the submission of criminal case files from investigators to prosecutors align with Pancasila values of justice?
2. What structural, substantive, and cultural weaknesses characterize the current system of case file submission in Indonesia's criminal justice process?
3. How can the regulatory framework for case file submission be reconstructed to better align with Pancasila values of justice while enhancing procedural efficiency?

C. Research Objectives

Corresponding to these research questions, this study aims to:

1. Analyze the existing regulatory framework governing the submission of criminal case files from investigators to prosecutors in Indonesia and assess its alignment with Pancasila values of justice.
2. Identify and critically examine the substantive, structural, and cultural weaknesses in the current system of case file submission that impede efficient criminal law enforcement.
3. Develop a comprehensive reconstruction model for case file submission regulations based on Pancasila values of justice that addresses identified weaknesses while enhancing procedural efficiency.

D. Significance of the Study

This research holds significant theoretical and practical importance. Theoretically, it contributes to the scholarly discourse on criminal procedure by examining the intersection of procedural efficiency and substantive justice principles, particularly within Indonesia's unique Pancasila framework. By analysing how procedural mechanisms either advance or impede justice objectives, this study enriches the conceptual understanding of effective criminal justice administration.

Practically, this research addresses a critical procedural bottleneck within Indonesia's criminal justice system that directly impacts case processing efficiency, resource allocation, and public trust in legal institutions. The recommendations emerging from this study offer evidence-based guidance for legislative reform, institutional policy development, and professional practice improvement that can enhance both the efficiency and fairness of criminal proceedings.

For legal practitioners, this research provides analytical insights into procedural challenges and potential remedies that can inform daily practice. For policymakers, it offers empirically grounded recommendations for regulatory reform. For the broader academic community, it contributes to the comparative understanding of criminal procedure and its implementation challenges in diverse legal systems.

II. METHODOLOGY

This study employs a constructivist paradigm, which recognizes that legal phenomena are socially constructed through institutional practices, professional interactions, and normative frameworks. This paradigm enables examination of both the formal legal provisions governing case file submission and the social practices through which these provisions are interpreted and implemented.

The research utilizes a socio-legal approach that integrates doctrinal legal analysis with empirical investigation of law in practice. This methodological integration allows for examination of the "law in books" (formal regulations) alongside the "law in

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action" (actual implementation practices), thereby providing a comprehensive understanding of case file submission processes in Indonesia's criminal justice system.

The research employs a qualitative design with descriptive-analytical characteristics. This approach facilitates in-depth examination of regulatory frameworks, institutional practices, and stakeholder perspectives regarding case file submission procedures. The descriptive element enables detailed documentation of current practices, while the analytical component facilitates critical evaluation of these practices against normative standards derived from Pancasila principles and procedural justice theories.

A. Data Collection Methods

Data collection employed multiple methods to ensure comprehensive coverage and methodological triangulation:

1. **Documentary analysis:** The research examined primary legal materials (legislation, regulations, and case records) and secondary legal materials (scholarly literature, institutional reports, and policy documents) relevant to case file submission procedures. This included comprehensive analysis of KUHAP provisions, implementing regulations, and institutional guidelines.
2. **Semi-structured interviews:** Twenty-five in-depth interviews were conducted with key stakeholders in the criminal justice system, including:
 - Police investigators (n=10)
 - Prosecutors (n=10)
 - Criminal law experts (n=5)

Interview participants were selected using purposive sampling to ensure representation of diverse perspectives, jurisdictions, and experience levels. Interviews followed a semi-structured protocol addressing regulatory knowledge, implementation experiences, perceived challenges, and reform recommendations

3. **Case studies:** The research examined 15 criminal cases processed between 2023-2025 to document actual case file submission practices, including timeline analysis, procedural compliance, and coordination processes. Cases were selected to represent diverse crime types, jurisdictions, and complexity levels.

B. Data Analysis Techniques

Data analysis employed qualitative content analysis using a combined deductive-inductive approach. Initial coding categories were developed from theoretical frameworks (deductive), while additional categories emerged during analysis (inductive). The analysis process included:

1. **Documentary analysis:** Systematic examination of legal provisions, identifying regulatory gaps, ambiguities, and implementation challenges.
2. **Interview analysis:** Thematic coding of interview transcripts to identify patterns in procedural implementation, perceived challenges, and proposed solutions.
3. **Case study analysis:** Chronological reconstruction of case file submission processes, identifying deviation patterns from regulatory requirements and procedural inefficiencies.
4. **Integrative analysis:** Synthesis of findings across data sources to develop comprehensive understanding of regulatory weaknesses and implementation challenges

III. RESULTS AND DISCUSSION

A. Systemic Weaknesses in Criminal Case File Submission Procedures in Indonesia

The empirical findings of this study reveal significant procedural deficiencies in the submission of criminal case files from investigators to prosecutors in Indonesia's criminal justice system. These deficiencies can be categorized into three interrelated dimensions: legal substance weaknesses, structural impediments, and cultural barriers [3].

1. Procedural Delays and Regulatory Ambiguities

The data collected from case analysis and stakeholder interviews indicates that the process of submitting criminal case files from investigators to prosecutors is characterized by significant procedural delays that contradict the principles of speedy, simple, and low-cost justice. These delays stem primarily from regulatory ambiguities in the Criminal Procedure Code (KUHP), particularly in Articles 109, 110, and 138 [4].

Article 110 paragraph (1) of KUHP stipulates that "in the event that the Investigator has completed the investigation, the Investigator is obliged to immediately submit the case files to the Public Prosecutor." However, the absence of explicit timeframes and the ambiguous interpretation of the term "immediately" create a procedural vacuum that enables protracted investigations without clear accountability mechanisms. As one prosecutor respondent noted: "The lack of explicit timelines makes it impossible to enforce prompt submission, leading to cases languishing in investigative limbo for months."

This regulatory ambiguity extends to Article 138 of KUHP, which fails to specify the maximum number of times case files can be returned to investigators for completion. The provision only stipulates a 14-day timeframe for completing the prosecutor's

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instructions without limiting the number of such returns. This creates a procedural loop wherein case files can circulate indefinitely between investigators and prosecutors without resolution [5].

An examination of case data from the Anambas Islands District Attorney's Office (January 2025) revealed a pattern of serial SPDP submissions without accompanying investigation results. The table below illustrates this pattern:

Case Number	Suspect Status	Information
SPDP/01/I/RES.4.2./2025/Resnark oba	Under Investigation	Narcotics case, January 2025
SPDP/02/I/RES.4.2./2025/Resnark oba	Under Investigation	Narcotics case, January 2025
SPDP/03/I/RES.4.2./2025/Resnark oba	Under Investigation	Narcotics case, January 2025
SPDP/06/II/RES.4.2./2025/Resnar koba	Under Investigation	Narcotics case, February 2025

This pattern demonstrates a systemic tendency toward formal procedural compliance (SPDP submission) without substantive fulfillment of investigative obligations. This creates what Yulianto (2015) describes as "procedural formalism," wherein legal requirements are nominally fulfilled without advancing case resolution.

2. Structural Weaknesses in Prosecutorial Authority and Inter-Agency Coordination

The research findings indicate significant structural weaknesses in both prosecutorial authority and inter-agency coordination mechanisms. The current legal framework positions the prosecutor as the *dominus litis* (master of the case) in theory, but inadequately empowers prosecutors to supervise and direct the investigative process in practice [6].

This authority gap manifests most prominently in the prosecutor's inability to compel timely case file submission. Unlike comparable jurisdictions with inquisitorial elements such as the Netherlands and Germany, where prosecutors exercise direct supervisory authority over police investigations, Indonesia's system creates a procedural discontinuity between investigation and prosecution. As noted by Reksodiputro (2017), approximately 35% of case files require multiple returns for completion, significantly extending case processing time.

The empirical data collected through interviews with prosecutors revealed consistent frustration with their limited authority to expedite case file submission. One senior prosecutor stated: "We can request investigation results every 30 days, but without enforcement mechanisms, these requests often remain unanswered." This structural imbalance undermines the prosecutor's ability to fulfill their constitutional mandate to ensure fair and efficient justice administration.

Inter-agency coordination mechanisms between investigators and prosecutors remain largely informal and personality-dependent rather than institutionalized. The absence of standardized consultation protocols creates what Hamzah (2014) terms "institutional silos," wherein each agency operates according to its own priorities and timelines with minimal integration. This siloed approach directly contradicts the Pancasila principle of deliberative consensus (*musyawarah*) that should characterize inter-institutional relations within Indonesia's justice system [7].

3. Human Resource and Cultural Challenges

The study identified significant human resource deficiencies and cultural barriers that exacerbate procedural challenges in case file submission. Interviews with both investigators and prosecutors revealed gaps in professional capacity, particularly regarding the technical requirements for case file preparation and evaluation.

Investigators frequently lack specialized training in evidence collection and documentation techniques required for complex cases. Similarly, prosecutors, especially those with limited experience, often struggle to provide clear and specific guidance when returning incomplete case files. This capacity gap creates a cycle of inefficiency wherein incomplete files are repeatedly exchanged without substantive improvement.

Cultural factors further complicate the procedural landscape. The research revealed a persistent culture of formalism wherein procedural compliance (e.g., SPDP submission) takes precedence over substantive case development. This formalistic culture prioritizes technical adherence to regulations over the effective resolution of cases, creating what Mahfud MD (2010) terms "legal instrumentalism" rather than "legal substantivism."

Additionally, the study identified a culture of institutional protectionism wherein both investigative and prosecutorial agencies prioritize institutional reputation over system-wide efficiency. This manifests in reluctance to acknowledge procedural deficiencies and resistance to external oversight, creating barriers to meaningful reform [8].

B. Inconsistency with Pancasila Values of Justice

The procedural deficiencies identified above fundamentally contradict the Pancasila values of justice that should animate Indonesia's criminal justice system. Pancasila, as Indonesia's philosophical foundation, establishes normative criteria against which legal procedures must be evaluated.

1. Contradiction of Divine Justice and Human Dignity

The first principle of Pancasila, Belief in One Supreme God (Ketuhanan Yang Maha Esa), establishes the theological foundation for recognizing inherent human dignity. Procedural delays in case file submission directly contradict this principle by subjecting suspects to prolonged uncertainty regarding their legal status. As Asshiddiqie (2011) argues, timely case processing represents a recognition of human dignity derived from divine creation.

The empirical findings revealed that suspects in cases with delayed file submission experienced extended periods of legal limbo, sometimes exceeding one year. This prolonged uncertainty constitutes what Latif (2011) terms "spiritual injustice" by failing to recognize the inherent dignity of individuals within the justice system.

2. Undermining of Humanitarian and Just Civilization

The second principle of Pancasila, Just and Civilized Humanity (Kemanusiaan yang Adil dan Beradab), establishes the normative requirement for humane treatment within legal processes. The current practice of indefinite case file circulation between investigators and prosecutors fundamentally contradicts this principle by creating procedural uncertainty that impedes access to justice [9].

The research documented instances where suspects remained in detention while their case files circulated between agencies without resolution. This practice directly contradicts international human rights standards, particularly Article 9(3) of the International Covenant on Civil and Political Rights, which requires that "anyone arrested or detained on a criminal charge shall be brought promptly before a judge."

3. Threat to National Unity and Social Cohesion

The third principle of Pancasila, Indonesian Unity (Persatuan Indonesia), establishes the importance of national cohesion and shared identity. Inefficient and inequitable case processing creates public distrust in legal institutions, thereby undermining social cohesion and national unity.

Interview data with community representatives revealed significant disillusionment with the criminal justice system, particularly regarding procedural delays. As one community leader stated: "When cases languish without resolution, people lose faith in the entire system." This erosion of institutional trust threatens the social foundation upon which national unity depends [10].

4. Failure of Deliberative Governance

The fourth principle of Pancasila, Democracy Guided by the Wisdom of Representative Deliberation (Kerakyatan yang Dipimpin oleh Hikmat Kebijaksanaan dalam Permusyawaratan/Perwakilan), establishes deliberative consensus as the ideal governance mechanism. The current lack of effective coordination between investigators and prosecutors directly contradicts this principle by replacing deliberative processes with bureaucratic fragmentation.

The research documented the absence of structured deliberative mechanisms between investigative and prosecutorial agencies. Instead of collaborative decision-making, the current system features what Wantu (2013) terms "sequential decision-making," wherein each institution makes isolated determinations without meaningful integration.

5. Perpetuation of Social Injustice

The fifth principle of Pancasila, Social Justice for All Indonesian People (Keadilan Sosial bagi Seluruh Rakyat Indonesia), establishes equitable treatment as a fundamental requirement of legitimate governance. The current system of case file submission perpetuates social inequity by creating differential outcomes based on factors unrelated to case merits.

The empirical data revealed that cases involving socioeconomically disadvantaged suspects were more likely to experience prolonged procedural delays. This pattern creates what Nugroho (2018) terms "procedural stratification," wherein procedural efficiency correlates with socioeconomic status rather than case characteristics [11].

C. Economic and Administrative Inefficiencies and Comparative Analysis with Alternative Models

Beyond normative contradictions, the current system creates significant economic and administrative inefficiencies that undermine resource allocation within the justice system. The appointment of prosecutors upon SPDP receipt initiates administrative processes that require resource expenditure even when case files remain incomplete.

These expenditures include:

1. Administrative costs for prosecutor appointment
2. Office supplies for document preparation
3. Coordination costs between agencies
4. Personnel time allocation for case review

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hen these expenditures occur without case progression, they constitute what economic theory terms "deadweight loss" – resources expended without productive outcome. This inefficiency directly contradicts the principle of low-cost justice established in KUHAP and undermines the overall effectiveness of resource allocation within the criminal justice system [12].

Comparative Analysis with Alternative Models

A comparative analysis with alternative procedural models illustrates potential pathways for system improvement. In continental European inquisitorial systems, prosecutors exercise direct supervisory authority over police investigations, creating procedural continuity rather than fragmentation. The Dutch system, for instance, establishes the prosecutor as the *rechter-commissaris* (investigating judge) with authority to direct investigative activities from inception [13]).

Similarly, the German *Staatsanwaltschaft* model positions prosecutors as "guardians of the law" with authority to compel specific investigative actions within defined timeframes. These models demonstrate the feasibility of establishing clearer hierarchical relationships between investigators and prosecutors without compromising investigative independence [14].

In adversarial systems with more defined procedural timelines, such as the United States federal system, the Speedy Trial Act establishes explicit timeframes for case progression, including limits on pre-indictment delay. While maintaining institutional separation between investigators and prosecutors, this model creates accountability mechanisms that prevent indefinite procedural delays.

These comparative examples suggest that Indonesia's system can be improved without fundamental restructuring by establishing clearer procedural timelines, strengthening prosecutorial oversight authority, and creating accountability mechanisms for non-compliance with procedural requirements [15].

CONCLUSIONS

This research has examined the regulatory framework and implementation challenges in the submission of criminal case files from investigators to prosecutors within Indonesia's criminal justice system. The findings reveal fundamental inconsistencies between current practices and the Pancasila values of justice that should animate Indonesia's legal system. These inconsistencies manifest in procedural inefficiencies, structural weaknesses, and cultural barriers that undermine both the normative legitimacy and practical effectiveness of criminal case processing. The regulatory framework governing case file submission, particularly Articles 109, 110, and 138 of KUHAP, contains significant ambiguities that enable procedural delays and administrative inefficiencies. The absence of explicit timelines for investigation completion, the unspecified meaning of "immediately" in file submission requirements, and the unlimited potential for file returns create a procedural environment characterized by uncertainty rather than clarity. These regulatory deficiencies directly contradict the principles of speedy, simple, and low-cost justice that ostensibly guide Indonesia's criminal procedure.

Structurally, the current system inadequately empowers prosecutors as *dominus litis* in the criminal process. Despite their theoretical authority over case disposition, prosecutors lack practical mechanisms to compel timely and complete case file submission. This authority gap creates a procedural discontinuity between investigation and prosecution that undermines system integration and efficiency. Furthermore, the absence of institutionalized coordination mechanisms between investigators and prosecutors creates operational silos that inhibit collaborative case development. The human resource and cultural dimensions of the system further exacerbate these challenges. Technical capacity gaps among both investigators and prosecutors create recurring cycles of incomplete file submission and return. The prevalence of formalistic rather than substantive procedural compliance generates the appearance of legal processing without actual case progression. These cultural factors cannot be addressed through regulatory reform alone but require comprehensive educational and institutional transformation.

Most fundamentally, the current system contradicts core Pancasila values through its creation of procedural uncertainty, violation of human dignity through unnecessary delay, erosion of public trust in legal institutions, absence of deliberative coordination, and perpetuation of social inequities in case processing. These contradictions undermine not only specific case outcomes but the normative legitimacy of the criminal justice system as a whole. Based on these findings, this research proposes a comprehensive reconstruction of the case file submission system that addresses regulatory, structural, and cultural dimensions simultaneously. This reconstruction would include KUHAP revisions establishing explicit procedural timelines, strengthened prosecutorial oversight authority, enhanced inter-agency coordination mechanisms, and comprehensive capacity development programs for justice sector personnel.

Such reforms would align Indonesia's criminal procedure more closely with Pancasila values of justice by enhancing procedural certainty, respecting human dignity through timely case resolution, rebuilding public trust through increased efficiency, establishing deliberative coordination mechanisms, and reducing social inequities in case processing. These improvements would benefit not only individual case participants but society as a whole through enhanced justice system legitimacy and effectiveness. Further research is needed to develop detailed implementation strategies for these proposed reforms, particularly regarding the specific regulatory language required for KUHAP amendments and the operational details of enhanced coordination mechanisms.

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Additionally, longitudinal studies examining the impact of preliminary reform efforts would provide valuable insights for system refinement.

The findings of this research contribute to both theoretical understanding of procedural justice within Indonesia's unique Pancasila framework and practical knowledge regarding criminal justice administration. By identifying specific procedural deficiencies and their normative implications, this study provides a foundation for evidence-based reform efforts that can enhance both the efficiency and legitimacy of Indonesia's criminal justice system.

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